

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re ROBERT JAMES.

No. C 13-01867 DMR (PR)

ORDER OF TRANSFER

This action was opened on April 24, 2013, when the Court received from Inmate Robert James a letter to the Honorable Thelton E. Henderson that concerned prison conditions.

On the same date, the Clerk of the Court notified Plaintiff in writing that his action was deficient in that he had not submitted his complaint on a proper complaint form and had not submitted an *in forma pauperis* application. The Clerk further notified him that this action would be dismissed if he did not submit a complaint on the proper form and a completed *in forma pauperis* application within twenty-eight days.

In addition, also on April 24, 2013, the Clerk notified Plaintiff in writing that this matter has been assigned to the undersigned Magistrate Judge. Plaintiff was informed that he must decide whether or not to consent to Magistrate Judge jurisdiction for all purposes including trial, by completing and signing the attached form entitled "Consent or Declination to Magistrate Judge Jurisdiction" within fourteen days. To date, Plaintiff has not completed or signed the aforementioned consent form.

Further review of Plaintiff's case reveals that, in addition to failing to submit the proper documents, he has also initiated his civil action in the wrong judicial district. Plaintiff's letter states that he is currently incarcerated at the Richard J. Donovan Correctional Facility ("RJDCF") in San Diego, California. He alleges that in April 2013, prison officials at RJDCF "created an [sic] horrendous human and civil rights violation by denying [him] [his] procedural safe guard rights under the due process clause" (Pl.'s Apr. 24, 2013 Letter at 1.) Plaintiff fails to further elaborate on his due process claim in his one-page letter.

1 RJDCF is located in the Southern District of California, and it appears that Defendants reside
2 in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C.
3 § 1391(b).

4 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is
5 TRANSFERRED to the United States District Court for the Southern District of California.¹ The
6 Clerk shall transfer the case forthwith.

7 If he wishes to further pursue this action, Plaintiff must complete the complaint form and *in*
8 *forma pauperis* application required by the United States District Court for the Southern District of
9 California and mail them to that district.

10 All remaining motions are TERMINATED on this Court's docket as no longer pending in
11 this district.

12 The Clerk shall also direct an electronic version of Plaintiff's letter and this Order to Judge
13 Henderson.

14 IT IS SO ORDERED.

16 Dated: May 15, 2013



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18 DONNA M. RYU
19 United States Magistrate Judge
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27 ¹ Even though Plaintiff has not filed his consent to Magistrate Judge jurisdiction, venue
28 transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the
undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).